

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MADISON

October 13, 2016 - 7 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 13th day of October, 2016. Mayor Conley called the meeting to order at 7:00 p.m. in the Committee Room of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The Borough Clerk read the statement pursuant to the Open Public Meetings Act:

“In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 8, 2016. This Notice was made available to members of the general public.”

ROLL CALL

The Borough Clerk called the roll and the following acknowledged their presence:

Mayor Robert H. Conley

Council Members:

Robert G. Catalanello

Carmela Vitale

Astri J. Baillie

Benjamin Wolkowitz

Patrick W. Rowe

Absent: Robert Landrigan, excused

Also Present:

Raymond M. Codey, Borough Administrator

James E. Burnet, Assistant Borough Administrator

Elizabeth Osborne, Borough Clerk

Matthew J. Giacobbe, Esq. Borough Attorney

AGENDA REVIEW

There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mr. Wolkowitz moved:

RESOLVED, that the meeting be adjourned to an Executive Session to consider the following matters:

MINUTES FOR APPROVAL (1)

September 26, 2016

Date of public disclosure 60 days after conclusion, if disclosure required.

CONTRACT MATTERS (6)

JACOB HENRY PERKINS TRUST FUND

FIRE DEPARTMENT LIEUTENANT

2016 REMOVAL AND PROPER RECYCLE OF LEAVES

Regular Meeting Minutes – October 13, 2016

HDM ARCHITECTURAL SERVICES
AFFORDABLE HOUSING EXPERT WITNESS SERVICES
MILLENNIUM DEVELOPMENT GROUP, LLC

Date of public disclosure 60 days after conclusion, if disclosure required.

LITIGATION MATTERS (1)

BOARD OF HEALTH

Date of public disclosure 60 days after conclusion, if disclosure required.

Seconded: Mr. Catalanello

Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Conley reconvened the Regular Meeting at 8:05 p.m. in the Council Chamber with all members present. The Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of September 26, 2016**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mr. Catalanello, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Absent: Mr. Landrigan

Ms. Baillie moved approval of the **Regular Meeting Minutes of September 26, 2016**. Mr. Rowe seconded the motion, which passed with the following roll call vote recorded:

Yeas: Mr. Catalanello, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Absent: Mr. Landrigan

GREETINGS TO PUBLIC

Mayor Conley made the following comments:

Mayor Conley calls up Ordinance 60-2016 for second reading and asked the Clerk to read said ordinances by title:

ORDINANCE 60-2016

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING
CHAPTER 34 OF THE BOROUGH CODE TO CREATE THE
POSITION OF POLICE CHAPLAIN FOR THE MADISON
POLICE DEPARTMENT**

WHEREAS, statutory authority provides that the governing body of the Borough of Madison by Ordinance may create the appointment of one or more Chaplains to the Police Department; and

WHEREAS, Police Chaplains serve an integral role in providing comfort to members of the Police Department as well as the public and aid in community policing; and

Regular Meeting Minutes – October 13, 2016

WHEREAS, the Borough Council finds it is in the best interest of the Borough of Madison to create the position of Police Chaplain.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison in the County of Morris and State of New Jersey that Chapter 34 of the Borough Code entitled “Police Department” shall be amended as follows:

SECTION 1: Section 34-11 (b) entitled “Police Chaplain” is hereby established to read as follows:

1. **Position Created.** The position of Police Chaplain for the Borough of Madison Police Department is hereby created in accordance with statutory authority. The position(s) will be a volunteer position. The position of Chaplain shall be under the control of the Chief of Police.
2. **Qualifications.** Any person appointed as Chaplain shall be an ordained clergyman in good standing in the religious body from which he/she is selected. The chaplain shall have basic training and shall be a certified Police Chaplain credentialed in accordance with the rules and regulations of the Borough of Madison Police Department and shall be qualified in accordance with statutory requirements.
3. **Duties of Police Chaplain.** The Duties of Police Chaplain shall include, but not be limited to assisting the Borough of Madison Police Department in death notifications, station house adjustments and any other duties that may be assigned by the Chief of Police.
4. **Rank and Salary.** Any person appointed as Chaplain shall serve in that capacity without Rank or Salary
5. **Term of Office.** A person (s) appointed as Chaplain shall serve for a period of one (1) year from the date of appointment and shall continue to serve in that capacity until he/she is either terminated or reappointed with the recommendation of the Chief of Police regarding the appointment of the Chaplain. The Mayor shall appoint the Chaplains in accordance with this Ordinance with the advice and consent of the Borough Council.

SECTION 2: This Ordinance shall take effect as provided by law.

Mayor Conley opened up the public hearing on Ordinance 60-2016. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 60-2016, which was read by title, be finally adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Regular Meeting Minutes – October 13, 2016

Yeas: Mr. Catalanello, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Absent: Mr. Landrigan

Mayor Conley declared Ordinance 60-2016 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

R 297-2016 RESOLUTION OF THE BOROUGH OF MADISON APPOINTING POLICE CHAPLAINS FOR THE MADISON POLICE DEPARTMENT

WHEREAS, Ordinance 60-2016 establishes the position of volunteer Chaplain for the Madison Police Department, under the control of the Chief of Police; and

WHEREAS, the Chief of Police has recommended appointment of the clergy listed to serve as Police Chaplain for the Madison Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the following clergy be and are appointed as Police Chaplains for the Madison Police Department, effective immediately.

Father Derek Anderson - St Mary's Church
Reverend Craig Dunn - the Madison First Baptist Church
Reverend Scott Foster - the Presbyterian Church of Madison
Rev. Msgr. George Hundt - St. Vincent's Martyr Church

Mrs. Vitale moved adoption of the Resolution 297-2016. Ms. Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mr. Catalanello, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Absent: Mr. Landrigan

OATH OF OFFICE - POLICE CHAPLAINS

Mayor Conley administered the oath of office to Father Derek Anderson from St. Mary's Church and Reverend Craig Dunn from the Madison First Baptist Church

REPORTS OF COMMITTEES

Utilities

Mr. Wolkowitz, Chair of the Committee, made the following comments:
The Electric Department has completed pole transfers on Crescent and Green Village Roads. Completed installation and transferring of services to new secondary cable on Crescent Road. Laid out the transformer pad for E-well, and installed new primary and secondary conduits. New fencing and barbed wire has also been installed at both substations. The Water Department continues State mandated water testing and completed seventy-three requests for utility location. The Finance

Regular Meeting Minutes – October 13, 2016

Department reports completion of the second quarter payroll certifications and will next work on required Affordable Health Care certification and estimating salaries for the 2017 budget process. The Tax Assessor has sent added and omitted tax assessments to those property owner with either structural improvements, new construction or those properties formerly tax exempt.

Health

Mr. Catalanello, Chair of the Committee, no report.

Finance and Borough Clerk

Mr. Landrigan, Chair of the Committee, absent.

Public Safety

Mrs. Vitale, Chair of the Committee, made the following comments:

Earlier today Police Chief Darren Dachisen and Lt. Joseph Longo attended the final police accreditation hearing in South Brunswick NJ along with 16 other municipalities seeking their initial or reaccreditation. The Madison Police Department was affirmed for accreditation following a unanimous vote. The formal presentation by the New Jersey State Association of Chiefs of Police will take place at a future council meeting. The Madison Police will once again host an annual food drive to benefit the Interfaith Food Pantry of Morris County in collaboration with community partners to including Drew University, Whole Foods Market and Realogy Corporation. Citizens can drop off food donations at police headquarters. On October 6th Ptl. Sean McCarthy received a certificate from Morris County recognizing his military service in the United States Marine Corps and in the United States Navy. Since Ptl. McCarthy is currently deployed to Africa, his award was accepted by Cpl Lisa Esposito. On Friday October 7th the Madison Police Department hosted the first Coffee with a Cop event at the Waverly Restaurant on Waverly Place. This event is meant to bring our citizens and officers together to simply meet and have a conversation over a cup of coffee building a community bond. The first annual First Responder Appreciation Day will be held on October 16, 2016 from 10:00 a.m. to 5:00 p.m. The event is being hosted by Madison Police, Madison Fire, and Madison Ambulance agencies. Members from local and outside agencies will be on hand taking part in real-life demonstrations. The open house, will include live music, food trucks, and activities for kids.

Community Affairs

Ms. Baillie, Chair of the Committee, made the following comments:

On October 12th volunteer knitters at the Madison Senior Center made decorated knit caps for patients at the Carol G. Simon Cancer Center. Twelve seniors provided sewing machines, t-shirts, ribbons, fabric flowers and baskets of costume jewelry. At the end of the day, 30 caps were completed for the patients, with more to be completed at home. Another session is scheduled for mid-winter. Ms. Baillie thanked Lisa Ellis of the DDC and all volunteers for their efforts on Bottle Hill Day.

Public Works and Engineering

Mr. Rowe, Chair of the Committee, made the following comments:

Cifelli & Sons Construction started Prospect Street Reconstruction and made significant progress in new curb, sidewalk and drainage improvements. Micropave, Inc. completed crack sealing contract work on Woodland Road, Garfield Avenue and Green Avenue. The proposed Central Avenue improvements to curb, sidewalk and drainage were presented to residents earlier this evening. The 2017 Road Program Bid documents are prepared and ready for bid early in 2017. The State of New Jersey has agreed to fund the Transportation Trust Fund allowing Municipal

Regular Meeting Minutes – October 13, 2016

Aid projects to continue for the foreseeable future. The Department of Public Works will begin leaf pick up October 24th and leaf bags are available at Borough Garage for Madison residents

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

E-mail received October 12, 2016 from Dolores Marques of Hoyt Street, a volunteer at the Carol G. Simon Cancer Center, thanking Edna Lerley-Byrne and Helene Corlett for their assistance and enthusiasm with the Senior Center T-Cap Day.

INVITATION FOR DISCUSSION (1 of 2)

Mayor Conley opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

Since no member of the public wished to be heard, the invitation for discussion was closed.

AGENDA DISCUSSIONS

10/13/2016-1 CY2016 BEST PRACTICES INVENTORY

Mr. Burnet provided an overview of the 2016 Best Practices inventory to be submitted to the State by October 21st required to qualify for Fiscal Year 2017 State Aid. The Borough has received a positive credit on 29 of the 30 questions in this year's inventory. The one negative answer addresses the annual audit comment regarding segregation of duties.

10/13/2016-2 FIRE DEPARTMENT RULES & REGULATIONS

Mr. Codey explained the proposed amendment to the Fire Department Rules and Regulations, noting the creation of the title of Lieutenant for the Madison Fire Department under certain conditions.

Resolution 290-2016 listed on the Consent Agenda.

10/13/2016-3 BURNET TRAIL DEVELOPMENT PROJECT – A. Baillie

Ms. Baillie noted a request for Open Space funding in the amount of \$7,500.00 for the development of the Burnet Trail, as identified in the Master Plan. There was no objection to listing an ordinance for introduction.

Ordinance 62-2016 listed for introduction.

ADVERTISED HEARINGS

The Clerk made the following statement:

Ordinances scheduled for hearing tonight were submitted in writing at a Regular meeting of the Mayor and Council held on September 26, 2016, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

Mayor Conley called up Ordinances for second reading and asked the Clerk to read said ordinances by title:

**ORDINANCE 61-2016
AN ORDINANCE OF THE BOROUGH OF MADISON, COUNTY
OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER
A238 ENTITLED ‘MADISON-CHATHAM JOINT MEETING’**

WHEREAS, the Madison-Chatham Joint Meeting recently amended its bylaws; and

WHEREAS, the Mayor and Borough Council of the Borough of Madison wish to amend Chapter A238 of the Borough Code entitled “Madison-Chatham Joint Meeting” consistent with the amended bylaws.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Madison, in the County of Morris, New Jersey that:

Section 1. Chapter A238 is hereby amended as follows:

§A238-1 through 5 - No change.

§A238-6 through 35 - Delete.

§A238-36 through 39- Renumber to A238-10 through 13

Add new.

§A238-6. Meetings.

The Joint Meeting shall hold meetings in accordance with the Open Public Meetings Act, P.L. 1975, Chapter 231 (N.J.S.A. 10:4-6 et seq.), and any amendments thereto, and as authorized in the Joint Meeting bylaws.

§A238-7. Standing Committees.

The Joint Meeting may establish such Standing Committees as necessary to provide for the effective and efficient governance of the Joint Meeting, and to make recommendations to, and act on behalf of, the Joint Meeting to the extent set forth in the Joint Meeting bylaws.

§A238-8. Special Committees.

The Joint Meeting Chair may appoint such other Special Committees at any time as necessary to provide for the effective and efficient governance of the Joint Meeting, and to make recommendations to, and act on behalf of, the Joint Meeting to the extent set forth in the Joint Meeting by laws.

§A238-9. Bylaws.

The Joint Meeting may adopt, and from time to time amend, bylaws and other rules of operation.

Section 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall

Regular Meeting Minutes – October 13, 2016

apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 3. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 4. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

Mayor Conley opened up the public hearing on Ordinance 61-2016. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Vitale moved that Ordinance 61-2016, which was read by title, be finally adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mr. Catalanello, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Absent: Mr. Landrigan

Mayor Conley declared Ordinance 61-2016 adopted and finally passed and ordered the Clerk to publish the notice thereof in the newspaper and to record the ordinance as required by law.

INVITATION FOR DISCUSSION (2 of 2)

Mayor opened the meeting to the public for their opportunity to ask questions and make comments on any subject. Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record.

He/she shall limit his/her statement to three (3) minutes or less.

Since no member of the public wished to be heard, the invitation for discussion was closed.

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of November 14, 2016 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

Mayor Conley called up Ordinances for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 62-2016 ORDINANCE OF THE BOROUGH OF
MADISON APPROPRIATING \$7,500.00 FROM THE MUNICIPAL
OPEN SPACE TRUST FUND FOR TRAIL DEVELOPMENT AT
THE MADISON RECREATION CENTER

Regular Meeting Minutes – October 13, 2016

WHEREAS, the Open Space Advisory Committee has recommended funding up to \$7,500.00 from the Municipal Open Space Trust Fund for development of the Burnet Trail at the Madison Recreation Center; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the Municipal Open Space Trust Fund in an amount not to exceed \$7,500.00 for this purpose.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$7,500.00 is hereby appropriated from the Municipal Open Space Trust Fund for development of the Burnet Trail at the Madison Recreation Center. **SECTION 2:** The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Ms. Baillie moved that Ordinance 62-2016, which the Borough Clerk read by title, be adopted. Mrs. Vitale seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mr. Catalanello, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Absent: Mr. Landrigan

**ORDINANCE 63-2016 ORDINANCE OF THE BOROUGH OF MADISON
APPROPRIATING \$10,000.00 FROM THE GENERAL CAPITAL
IMPROVEMENT FUND FOR THE PURCHASE OF REPLACEMENT
BULLETPROOF VESTS**

WHEREAS, the Police Chief has recommended that the Borough appropriate \$10,000.00 from the General Capital Improvement Fund for the purchase of replacement bulletproof vests; and

WHEREAS, the Chief Financial Officer has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$10,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$10,000.00 from the General Capital Improvement Fund to purchase replacement bulletproof vests; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$10,000.00 is hereby appropriated from the General Capital Improvement Fund to purchase replacement bulletproof vests.

Regular Meeting Minutes – October 13, 2016

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mrs. Vitale moved that Ordinance 63-2016, which the Borough Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mr. Catalanello, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Absent: Mr. Landrigan

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

Consent Agenda Resolutions will be enacted with a single motion; any Resolution requiring expenditure is supported by a Certification of Availability of Funds; any Resolution requiring discussion will be removed from the Consent Agenda; all Resolutions will be reflected in full in the minutes.

Mr. Wolkowitz moved adoption of the Resolutions listed on the Consent Agenda. Mr. Catalanello seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Mr. Catalanello, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Absent: Mr. Landrigan

R 283-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING BINGO LICENSE APPLICATION SUBMITTED BY MADISON VOLUNTEER AMBULANCE CORPS

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following application for a Bingo License, to be held as listed below, be and the same is hereby approved:

MADISON VOLUNTEER AMBULANCE CORPS

I.D. No. 274-10-31453

B.A. No. 69

November 4, 2016

R 284-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATIONS SUBMITTED BY GRACE EPISCOPAL CHURCH AND EASTER SEALS NEW JERSEY INC.

BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following applications for Raffles Licenses, to be held as listed below, be and the same are hereby approved:

GRACE EPISCOPAL CHURCH

I.D. No. 274-1-35285

R.A. No. 1394 – On Premise 50/50

October 29, 2016

Regular Meeting Minutes – October 13, 2016

GRACE EPISCOPAL CHURCH
I.D. No. 274-1-35285
R.A. No. 1395 – On premise merchandise
October 29, 2016

EASTER SEALS OF NEW JERSEY INC.
I.D. No. 114-4-19531
R.A. No. 1396 – On Premise 50/50
November 10, 2016

**R 285-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING
JACOB HENRY PERKINS TRUST FUND DISBURSEMENT**

WHEREAS, the Borough Administrator has recommended a grant in the amount of \$8,720.00 from the Jacob Henry Perkins Trust Fund (hereafter Perkins Trust) on behalf of Mr. & Mrs. K., Borough residents; and

WHEREAS, the Borough Administrator has advised the Borough Council that Mr. & Mrs. K. meet the criteria for a Perkins Trust grant; and

WHEREAS, the Borough Council has determined to approve the request for a Perkins Trust grant; and

WHEREAS, the Borough Administrator recommends approving the disbursement of the grant for the above cited purpose.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

1. A grant is hereby approved from the Perkins Trust to pay \$8,720.00, directly to the landlord for the benefit of Mr. & Mrs. K., so long as they meet the criteria of the Perkins Trust and continue to reside in the Borough of Madison.
2. A copy of this resolution will be forwarded to the Borough Administrator.

**R 286-2016 RESOLUTION OF THE MADISON BOROUGH COUNCIL
AUTHORIZING EXECUTION OF AN AMENDMENT TO THE COLLECTIVE
BARGAINING AGREEMENT WITH THE FIREFIGHTER'S MUTUAL BENEVOLENT
ASSOCIATION LOCAL NO. 74**

WHEREAS, certain employees in the Madison Fire Department are represented for collective bargaining purposes by the Firefighter's Mutual Benevolent Association No. 74 (hereinafter "FMBA"); and

WHEREAS, the current collective bargaining agreement between the Borough of Madison and the FMBA expires on December 31, 2017; and

Regular Meeting Minutes – October 13, 2016

WHEREAS, the Borough and the FMBA have agreed on a side bar agreement creating the title of Lieutenant for the Madison Fire Department under certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Mayor and Borough Clerk are hereby authorized, on behalf of the Borough, to execute the attached sidebar agreement between the Borough of Madison and the Firefighter’s Mutual Benevolent Association Local No. 74.

R 287-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A LETTER FROM THE GOVERNING BODY STATING THERE IS NO OBJECTION TO THE ISSUANCE OF A TEMPORARY HELISTOP LICENSE FOR THE ‘EVERY FIFTEEN MINUTES’ PROGRAM AT THE MADISON HIGH SCHOOL.

WHEREAS, the Madison Police Department hosts the “Every Fifteen Minutes” program at Madison High School; and

WHEREAS, to participate in the program, Atlantic Health requires a flight application for the issuance of a temporary helistop license to land a helicopter on the fields at the Madison High School; and

WHEREAS, the Borough Council and the Chief of Police have concluded that there is no objection to the issuance of a temporary helistop license on March 27, 2017 for this purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the Mayor and the Borough Clerk are authorized to sign a letter stating there is no objection to the issuance of a temporary helistop license for the “Every Fifteen Minutes” program to be held on March 27, 2017.

R 288-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A CONTRACT WITH CLARK CATON HINTZ FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR THE HARTLEY DODGE MEMORIAL RESTORATION PLAN

WHEREAS, the Borough Engineer has recommended execution of a professional services contract with Clark Caton Hintz, be made regarding professional architectural services for the Hartley Dodge Memorial restoration plan pursuant to a written proposal from Clark Caton Hintz; and

WHEREAS, such services constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a); and

Regular Meeting Minutes – October 13, 2016

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of this acquisition will exceed \$17,500.00; and

WHEREAS, Clark Caton Hintz, has submitted to the Borough Purchasing Agent, the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter may be awarded without competitive bidding; and

WHEREAS, the Chief Financial Officer has attested to the availability of funds in an amount not to exceed \$123,300.00 for this purpose, in Ordinance 56-2016.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey as follows:

1. The Mayor and Borough Clerk are authorized to execute on behalf of the Borough a professional services contract with Clark Caton Hintz, for architectural services for the Hartley Dodge Memorial Restoration Plan, in an amount not to exceed \$123,300.00 in a form acceptable to the Borough Attorney.

2. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

R 289-2016 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO CLARK CANTON HINTZ OF TRENTON, NJ FOR AFFORDABLE HOUSING AND PLANNING SERVICES IN THE AMOUNT NOT TO EXCEED \$50,000.00

WHEREAS, the Borough Administrator has recommended that the Borough obtain professional services from Clark Canton Hintz, for Affordable Housing and Planning services regarding affordable housing and defense of the Declaratory Judgment action filed by the Borough (hereinafter the “Contract”); and

WHEREAS, said services would constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Administrator has recommended that the Borough Council award the Contract to Clark Canton Hintz, in an amount not to exceed \$50,000.00, for Affordable Housing and Planning services regarding affordable housing and defense of the Declaratory Judgment action filed by the Borough; and

WHEREAS, Clark Canton Hintz., has submitted to the Borough Purchasing/Personnel Officer the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter may be awarded without competitive bidding; and

Regular Meeting Minutes – October 13, 2016

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed \$50,000.00 for this purpose, which funds are available in the Municipal Affordable Housing Trust Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Clark Canton Hintz, for Affordable Housing and Planning services regarding affordable housing and defense of the Declaratory Judgment action filed by the Borough in an amount not to exceed \$50,000.00.

R 290-2016 RESOLUTION OF THE BOROUGH OF MADISON ADOPTING
NEW FIRE DEPARTMENT RULES AND REGULATIONS

WHEREAS, Chapter 18, Section 2 of the Borough Code authorizes the Council to adopt, amend and repeal Regulations of the Madison Fire Department; and

WHEREAS, the Chief of the Fire Department has recommended that the Council adopt new rules and regulations of the Madison Fire Department entitled “Madison Fire Department Rules & Regulations” a copy of which was presented to the Borough Council and is attached hereto; and

WHEREAS, the Borough Council agrees with this recommendation.

NOW, THEREFORE BE IT RESOLVED by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the Madison Fire Department Rules and Regulations as described herein are hereby adopted, pursuant to Chapter 18, Section 2 of the Madison Borough Code and the previous Fire Department Rules and Regulations to the contrary are hereby repealed.

R 291-2016 RESOLUTION OF THE BOROUGH OF MADISON AWARDING
CONTRACT FOR PURCHASE OF ABOVE GROUND FUEL STORAGE TANK TO
E. O. HABHEGGER UNDER STATE CONTRACT IN THE AMOUNT OF
\$56,500.00

WHEREAS, the Borough of Madison desires to award a contract for the purchase of above ground fuel storage tank and tank system components to E. O. Habhegger under state contract number T0849/42261 in the amount of \$56,500.00; and

Regular Meeting Minutes – October 13, 2016

WHEREAS, the purchase of goods and services by local contracting units through a state contract is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12, et seq.; and

WHEREAS, E. O. Habhegger has been awarded state contract T0849/42261 for fuel storage tanks and related equipment; and

WHEREAS, the Assistant Borough Engineer has recommended that the Borough Council utilize this contract for the purchase of above ground fuel storage tank and tank system components in the amount of \$56,500.00; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$56,500.00 for this purpose as appropriated from the General Capital Improvement Fund by Ordinance 53-2016.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

1. A contract for the purchase of above ground fuel storage tank and tank system components is hereby awarded to E. O. Habhegger under state contract number T0849/42261, at a total price not to exceed \$56,500.00.

2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Dover Industries under state contract number T0849/42261 for the purchase of above ground fuel storage tank and tank system components at a total price not to exceed \$56,500.00, in a form acceptable to the Borough Attorney.

R 292-2016 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT FOR THE INSTALLATION OF ABOVE GROUND FUEL STORAGE TANK TO INDEPENDENCE CONSTRUCTORS UNDER STATE CONTRACT IN THE AMOUNT OF \$37,010.00

WHEREAS, the Borough of Madison desires to award a contract for the installation of above ground fuel storage tank and tank system components to Independence Constructors under state contract number T0849/42270 in the amount of \$37,010.00; and

WHEREAS, the purchase of goods and services by local contracting units through a state contract is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12, et seq.; and

WHEREAS, Independence Constructors has been awarded state contract T0849/42270 for the installation of fuel storage tanks and related equipment; and

Regular Meeting Minutes – October 13, 2016

WHEREAS, the Assistant Borough Engineer has recommended that the Borough Council utilize this contract for the installation of above ground fuel storage tank and tank system components in the amount of \$37,010.00; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed \$37,010.00 for this purpose as appropriated from the General Capital Improvement Fund by Ordinance 53-2016.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

1. A contract for the installation of an above ground fuel storage tank and tank system components is hereby awarded to Independence Constructors under state contract number T0849/42270, at a total price not to exceed \$37,010.00.

2. The Borough Administrator is hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Independence Constructors under state contract number T0849/42270 for the installation of an above ground fuel storage tank and tank system components at a total price not to exceed \$37,010.00, in a form acceptable to the Borough Attorney.

R 293-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING DEVELOPER'S AGREEMENT BETWEEN THE BOROUGH OF MADISON AND MILLENNIUM DEVELOPMENT GROUP, LLC

WHEREAS, Millennium Development Group, LLC ("Developer") is the owner of certain property in the Borough of Madison designated as Tax Block 5201, Lot 11 on the current Tax Map of the Borough (the "Property"); and

WHEREAS, Developer obtained from the Madison Borough Planning Board development approvals for construction of five (5) single-family homes and one (1) two-family home and related site improvements on the Property by Resolution adopted on June 21, 2016, which provided for execution of a Developer's Agreement with the Borough; and

WHEREAS, counsel has recommended that the attached proposed Developer's Agreement concerning the Property be entered into;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey, that the attached Developer's Agreement between Millennium Development Group, LLC and the Borough of Madison is hereby approved, and the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute the Developer's Agreement.

Regular Meeting Minutes – October 13, 2016

R 294-2016 RESOLUTION OF THE BOROUGH OF MADISON AWARDING A CONTRACT FOR LEAF REMOVAL TO RIVERSEDGE CONTRACTING, LLC OF PHILLIPSBURG, NEW JERSEY IN THE AMOUNT OF \$134,250.00

WHEREAS, the Borough of Madison publicly advertised for bids for removal and proper recycle of leaves (the “Contract”) in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the lowest responsible bid was submitted by Riversedge Contracting, LLC, of Phillipsburg, New Jersey in the amount of \$134,250.00 for two years; and

WHEREAS, the Borough Qualified Purchasing Agent and Borough Attorney have recommended that the Borough Council award the contract to Riversedge Contracting, LLC, of Phillipsburg, New Jersey for two years in the amount of \$134,250.00 with the second year contingent upon funds available in the 2017 budget; and

WHEREAS, the Chief Financial Officer has attested that funding is available in the Public Works operating budget Account 465, Subaccount 221, for the first year of the contract.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

1. The two year contract for removal and proper recycle of leaves is hereby awarded to Riversedge Contracting, LLC, of Phillipsburg, New Jersey based upon its bid in the amount of \$134,250.00.
2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to enter into a two year contract with Riversedge Contracting, LLC, of Phillipsburg, New Jersey, in a form acceptable to the Borough Attorney.

R 295-2016 RESOLUTION OF THE BOROUGH OF MADISON AMENDING RESOLUTION 273-2016, AUTHORIZING DREW UNIVERSITY TO HOST A FIREWORKS DISPLAY ON SATURDAY, OCTOBER 22, 2016

WHEREAS, Resolution 273-2016 authorized Drew University to host a Fireworks display on Saturday, October 1, 2016; and

WHEREAS, severe weather prompted the cancellation of the event and Drew University has requested to change the date to October 22, 2016; and

WHEREAS, the Borough Council has determined that such permission should be granted subject to the following conditions:

1. The display shall be in compliance with all laws and regulations

Regular Meeting Minutes – October 13, 2016

governing a fireworks display;

2. A permit must be obtained from the Fire Official of Madison ensuring all applicable Fire Code requirements are met;
3. Adequate police or security personnel shall be present for crowd control and to ensure the area surrounding the fireworks is secured from unauthorized public entry;
4. The Fire Department shall be present with adequate personnel to maintain a fire watch for the duration of the event;
5. The display shall terminate by 11:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris, State of New Jersey that the request by Drew University to hold a fireworks display on Saturday, October 22, 2016, is hereby granted and approved subject to the above noted conditions.

R 296-2016 RESOLUTION OF THE BOROUGH OF MADISON APPROVING SALARY INCREASE FOR CHRISTINE MAHLER

WHEREAS, Christine Mahler is employed as the Office Assistant in the Tax Collector's Department; and

WHEREAS, the Borough Administrator has recommended a merit increase to Christine Mahler, to reflect that she has attained Tax Collector certification; and

WHEREAS, the Assistant Borough Administrator has recommended increasing the salary of Christine Mahler to \$43,699.00, annually, effective September 26, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison in the County of Morris and State of New Jersey, as follows:

1. The salary of Christine Mahler shall be increased to \$43,699.00 annually, effective September 26, 2016.
2. The governing body expresses its gratitude to Ms. Mahler for her diligent efforts on behalf of the Borough of Madison.

R 298-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING USE OF COMPETITIVE CONTRACTING FOR RETAINING A CONSULTANT TO PERFORM HOME ENERGY AUDITS

WHEREAS, the Borough of Madison ("Borough") wishes to retain a qualified consultant to perform home energy audits in Madison with the cost of such audits being borne by the residents; and

Regular Meeting Minutes – October 13, 2016

WHEREAS, the Borough, pursuant to N.J.S.A. 40A:11-4.3, wishes to authorize the use of competitive contracting to procure these services.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey authorizes the Borough's Qualified Purchasing Agent to issue a Request for Proposal in accordance with the requirements of competitive contracting for retaining the services of a qualified consultant to perform home energy audits in Madison.

R 299-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING THE MAYOR AND BOROUGH CLERK TO ENTER INTO A SETTLEMENT AGREEMENT, GENERAL RELEASE AND WAIVER WITH LISA GULLA

WHEREAS, Ms. Lisa Gulla has previously filed a Notice of Claim with the Borough of Madison; and

WHEREAS, the parties have engaged in settlement discussions, and the parties have reached an agreement with respect to the matters in dispute between them; and

WHEREAS, the parties have agreed to settle all pending claims by way of this Settlement.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison in the County of Morris, State of New Jersey that the Mayor and Borough Clerk be authorized to execute a Settlement Agreement/Release/Waiver in a form approved by the Borough Attorney with Ms. Lisa Gulla.

R 300-2016 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING AN AGREEMENT FOR HEALTH SERVICES WITH THE BLOOMFIELD BOARD OF HEALTH

WHEREAS, the Borough of Madison wishes to contract with the Township of Bloomfield Board of Health for health services of a technical and professional nature as hereinafter set forth, in consideration of payment as hereinafter provided, all according to N.J.S.A. 26:3A2-1 et seq.; and

WHEREAS, the Borough Council has determined to approve an agreement with the Bloomfield Board of Health; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison County of Morris, State of New Jersey, that the Administrator and Chief Financial Officer are hereby authorized to negotiate a three-year, 11 week contract for health services and the Mayor and Borough Clerk are authorized to execute an

Regular Meeting Minutes – October 13, 2016

Agreement with the Bloomfield Board of Health in a form approved by the Borough Attorney.

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mr. Wolkowitz, seconded by Mr. Catalanello and carried, the following vouchers of the Borough of Madison were approved for payment, and the supporting documentation of said vouchers was made part of the Supplemental Minute Book.

Public Safety	\$35,317.68
Health & Public Assistance	8,800.75
Public Works & Engineering	60,807.73
Community Affairs	9,877.81
Finance & Borough Clerk	211,936.06
Utilities	<u>325,413.73</u>
Total	<u>\$652,153.76</u>

The following roll call vote was recorded approving the aforementioned vouchers:

Yeas: Mr. Catalanello, Mrs. Vitale, Ms. Baillie, Mr. Wolkowitz, Mr. Rowe

Nays: None

Absent: Mr. Landrigan

NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved November 14, 2016 (EO)